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7 U.S. DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 RHONDA HARRISON,

11 Plaintiff,

12 vs.

13 CURTIS O. BARNES, P.C., CURTIS O.
14 BARNES, FORTIS CAPITAL, LLC AND
15 DANIEL RUPP,

16 Defendants.

) Case No.: C07-05529 RS

)
) **AMENDED DECLARATION OF**
) **RONALD WILCOX IN SUPPORT OF**
) **REQUEST FOR ENTRY OF DEFAULT**
) **AGAINST DEFENDANTS**

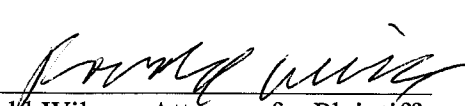
17 I, RONALD WILCOX, DECLARE AS FOLLOWS:

- 18 1. I am an attorney and counsel for Plaintiff in the above-captioned matter. In the
19 course of my employment I have become familiar with the manner and method in
20 which my law office maintains its books and records in the ordinary course of
21 business. Those books and records are managed by employees whose duty it is to
22 keep the books and records accurately and completely and to record each event or
23 item at or near the time of the event or item so noted. Additionally, I have personal
24 knowledge of the matter herein.
- 25 2. Plaintiff served the complaint on defendants Curtis O. Barnes, P.C., Curtis O. Barnes,
and Daniel Rupp on November 29, 2007 and on defendant Fortis Capital, LLC on
December 10, 2007 as is evidenced by the Certificates of Service filed with the court
(Docket #3, Docket #4, Docket #5, and Docket #6). The time to Answer has expired.

- 1 3. Plaintiff conferred with Robert Barnes, in-house counsel for Defendant Curtis O.
2 Barnes, P.C. On Monday, January 7, 2008 Plaintiff requested Defendants to answer
3 the complaints by Friday, January 11, 2008. At about 5 p.m. on Friday, January 11,
4 2008, Robert Barnes sent an e-mail claiming Defendants had hired San Francisco
5 attorney, Tomio Narita, to represent them. Tomio Narita failed to contact Plaintiff's
6 counsel. Defendants failed to answer the complaint.
7
- 8 4. On Wednesday, January 16, 2008, Plaintiff's counsel faxed Tomio Narita a letter
9 requesting he file answers to the complaints, otherwise Plaintiffs would take defaults.
10 Tomio Narita failed to contact Plaintiff's counsel. Defendants have made no effort to
11 answer the complaints or otherwise respond.
- 12 5. Plaintiff has provided Defendants with ample time to file an Answer to the complaint.
- 13 6. To be best of my knowledge, the Defendants are not in the military and are not
14 incompetent persons.
- 15 7. No answer has been filed as required by the Federal Rules of Civil Procedure. Thus,
16 Plaintiff is entitled to a Default against the Defendants.

17 I hereby attest the above is true and correct under penalty of perjury. This amended
18 declaration is entered into under the laws of the State of California, in San Jose, CA on the date
19 shown below.
20

21 Dated: 1/23/08

22 
23 Ronald Wilcox, Attorney for Plaintiff
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25